

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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William A. Shell, II,

Court File No. 17-cv-00137 (SRN/HB)

Plaintiff,

v.

Ally Financial Inc. d/b/a Ally Financial,  
United Auto Delivery and Recovery,  
Inc., d/b/a United Auto Recovery d/b/a  
UAR Nationwide,

**UNITED AUTO DELIVERY AND  
RECOVERY, INC. D/B/A UNITED  
AUTO RECOVERY D/B/A UAR  
NATIONWIDE'S ANSWER TO  
COMPLAINT**

Defendants.

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Defendant United Auto Delivery and Recovery, Inc., d/b/a United Auto Recovery d/b/a UAR Nationwide (hereinafter "Defendant"), for its Answer to Plaintiff's Complaint ("Complaint"), states and alleges that except as otherwise expressly admitted, qualified, or otherwise denied or otherwise answered, Defendant denies each and every statement, matter, paragraph and thing contained in Plaintiff's Complaint.

1. As to Paragraph 1 of Plaintiff's Complaint, no response is required. To the extent that any response is required, Defendant denies the allegations therein and puts Plaintiff to his strict burden of proof thereon.

2. As to the allegations in Paragraph 2 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

3. As to the allegations in Paragraph 3 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

4. As to the allegations in Paragraph 4 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

5. As to the allegations in Paragraph 5 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

6. Defendant admits the allegations in Paragraph 6 of Plaintiff's Complaint.

7. Defendant admits the allegations in Paragraph 7 of Plaintiff's Complaint.

8. As to the allegations in Paragraph 8 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

9. Defendant admits the allegations in Paragraph 9 of Plaintiff's Complaint.

10. Defendant admits the allegations in Paragraph 10 of Plaintiff's Complaint.

11. Defendant admits the allegations in Paragraph 11 of Plaintiff's Complaint.

12. As to the allegations in Paragraph 12 of Plaintiff's Complaint, Defendant admits only that it regularly uses the mail and telephone in a business. Defendant denies all remaining allegations and puts Plaintiff to his strict burden of proof thereon.

13. Defendant denies the allegations in Paragraph 13 of Plaintiff's Complaint.

14. Paragraph 14 purports to state a legal conclusion to which no response is required. To the extent that any response is required, Defendant denies the allegations therein and puts Plaintiff to his strict burden of proof thereon.

15. Paragraph 15 purports to state a legal conclusion to which no response is required. To the extent that any response is required, Defendant denies the allegations therein and puts Plaintiff to his strict burden of proof thereon.

16. As to the allegations in Paragraph 16 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

17. As to the allegations in Paragraph 17 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

18. As to the allegations in Paragraph 18 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

19. As to the allegations in Paragraph 19 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

20. As to the allegations in Paragraph 20 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

21. As to the allegations in Paragraph 21 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

22. As to the allegations in Paragraph 22 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

23. As to the allegations in Paragraph 23 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

24. As to the allegations in Paragraph 24 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

25. As to the allegations in Paragraph 25 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

26. As to the allegations in Paragraph 26 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

27. As to the allegations in Paragraph 27 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

28. As to the allegations in Paragraph 28 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

29. As to the allegations in Paragraph 29 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

30. As to the allegations in Paragraph 30 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

31. As to the allegations in Paragraph 31 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

32. As to the allegations in Paragraph 32 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

33. As to the allegations in Paragraph 33 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

34. As to the allegations in Paragraph 34 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

35. As to the allegations in Paragraph 35 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

36. As to the allegations in Paragraph 36 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

37. As to the allegations in Paragraph 37 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

38. As to the allegations in Paragraph 38 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

39. As to the allegations in Paragraph 39 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

40. As to the allegations in Paragraph 40 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

41. As to the allegations in Paragraph 41 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

42. Defendant admits the allegations in Paragraph 42 of Plaintiff's Complaint.

43. Defendant admits the allegations in Paragraph 43 of Plaintiff's Complaint.

44. As to the allegations in Paragraph 44 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

45. As to the allegations in Paragraph 45 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

46. As to the allegations in Paragraph 46 of Plaintiff's Complaint, Defendant admits only that the vehicle was towed by UAR. Defendant denies the remaining allegations and puts Plaintiff to his strict burden of proof thereon.

47. As to the allegations in Paragraph 47 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

48. As to the allegations in Paragraph 48 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

49. As to the allegations in Paragraph 49 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

50. As to the allegations in Paragraph 50 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

51. As to the allegations in Paragraph 51 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

52. As to the allegations in Paragraph 52 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

53. As to the allegations in Paragraph 53 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

54. As to the allegations in Paragraph 54 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

55. As to the allegations in Paragraph 55 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

56. As to the allegations in Paragraph 56 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.



57. As to the allegations in Paragraph 57 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

58. As to the allegations in Paragraph 58 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

59. As to the allegations in Paragraph 59 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

60. As to the allegations in Paragraph 60 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

61. As to the allegations in Paragraph 61 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

62. As to the allegations in Paragraph 62 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

63. As to the allegations in Paragraph 63 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

64. As to the allegations in Paragraph 64 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

65. As to the allegations in Paragraph 65 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

66. As to the allegations in Paragraph 66 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

67. As to the allegations in Paragraph 67 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

68. As to the allegations in Paragraph 68 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

69. As to the allegations in Paragraph 69 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

70. As to the allegations in Paragraph 70 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

71. As to the allegations in Paragraph 71 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

72. As to the allegations in Paragraph 72 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

73. As to the allegations in Paragraph 73 of Plaintiff's Complaint, these allegations are a recitation of case law, as cited therein. As such, these allegations are a legal conclusion and do not require response. To the extent that a response is required, Defendant denies the same and their application to this matter and puts Plaintiff to its strict burden of proof thereon.

74. As to the allegations in Paragraph 74 of Plaintiff's Complaint, these allegations are a recitation of case law, as cited therein. As such, these allegations are a legal conclusion and do not require response. To the extent that a response is required, Defendant denies the same and their application to this matter and puts Plaintiff to its strict burden of proof thereon.

75. As to the allegations in Paragraph 75 of Plaintiff's Complaint, these allegations are a recitation of case law, as cited therein. As such, these allegations are a legal conclusion and do not require response. To the extent that a response is required, Defendant denies the same and their application to this matter and puts Plaintiff to its strict burden of proof thereon.

76. As to the allegations in Paragraph 76 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

77. As to the allegations in Paragraph 77 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

78. As to the allegations in Paragraph 78 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

79. As to the allegations in Paragraph 79 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

80. As to the allegations in Paragraph 80 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

81. As to the allegations in Paragraph 81 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

82. As to the allegations in Paragraph 82 of Plaintiff's Complaint, these allegations are a recitation of legal authority, as cited therein. As such, these allegations are a legal conclusion and do not require response. To the extent that a response is

required, Defendant denies the same and their application to this matter and puts Plaintiff to its strict burden of proof thereon.

83. As to the allegations in Paragraph 83 of Plaintiff's Complaint, these allegations are a recitation of legal authority, as cited therein. As such, these allegations are a legal conclusion and do not require response. To the extent that a response is required, Defendant denies the same and their application to this matter and puts Plaintiff to its strict burden of proof thereon.

84. As to the allegations in Paragraph 84 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

85. As to the allegations in Paragraph 85 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

86. As to the allegations in Paragraph 86 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

87. As to the allegations in Paragraph 87 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

88. As to the allegations in Paragraph 88 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

89. As to the allegations in Paragraph 89 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

90. As to the allegations in Paragraph 90 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

91. As to the allegations in Paragraph 91 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

92. As to the allegations in Paragraph 92 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

93. As to the allegations in Paragraph 93 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

94. As to the allegations in Paragraph 94 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

95. As to the allegations in Paragraph 92 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

96. Defendant denies the allegations in Paragraph 96 of Plaintiff's Complaint, and puts Plaintiff to his strict burden of proof thereon.

97. Defendant denies the allegations in Paragraph 97 of Plaintiff's Complaint, and puts Plaintiff to his strict burden of proof thereon.

98. Defendant denies the allegations in Paragraph 98 of Plaintiff's Complaint, and puts Plaintiff to his strict burden of proof thereon.

99. Defendant denies the allegations in Paragraph 99 of Plaintiff's Complaint, and puts Plaintiff to his strict burden of proof thereon.

100. As to Paragraph 100 of Plaintiff's Complaint, no response is required. To the extent that any response is required, Defendant denies the allegations therein and puts Plaintiff to his strict burden of proof thereon.

101. Defendant denies the allegations in Paragraph 101 of Plaintiff's Complaint, and puts Plaintiff to his strict burden of proof thereon.

102. Defendant denies the allegations in Paragraph 102 of Plaintiff's Complaint, and puts Plaintiff to his strict burden of proof thereon.

103. Defendant denies the allegations in Paragraph 103 of Plaintiff's Complaint, and puts Plaintiff to his strict burden of proof thereon.

104. Paragraph 104 purports to state a legal conclusion to which no response is required. To the extent that any response is required, Defendant denies the allegations therein and puts Plaintiff to his strict burden of proof thereon.

105. Defendant denies the allegations in Paragraph 105 of Plaintiff's Complaint, and puts Plaintiff to his strict burden of proof thereon.

106. Defendant denies the allegations in Paragraph 106 of Plaintiff's Complaint, and puts Plaintiff to his strict burden of proof thereon.

107. As to Paragraph 107 of Plaintiff's Complaint, no response is required. To the extent that any response is required, Defendant denies the allegations therein and puts Plaintiff to his strict burden of proof thereon.

108. Defendant denies the allegations in Paragraph 108 of Plaintiff's Complaint, and puts Plaintiff to his strict burden of proof thereon.

109. Defendant denies the allegations in Paragraph 109 of Plaintiff's Complaint, and puts Plaintiff to his strict burden of proof thereon.

110. Defendant denies the allegations in Paragraph 110 of Plaintiff's Complaint, and puts Plaintiff to his strict burden of proof thereon.

111. As to Paragraph 111 of Plaintiff's Complaint, no response is required. To the extent that any response is required, Defendant denies the allegations therein and puts Plaintiff to his strict burden of proof thereon.

112. Defendant denies the allegations in Paragraph 112 of Plaintiff's Complaint, and puts Plaintiff to his strict burden of proof thereon.



113. Defendant denies the allegations in Paragraph 113 of Plaintiff's Complaint, and puts Plaintiff to his strict burden of proof thereon.

114. Defendant denies the allegations in Paragraph 114 of Plaintiff's Complaint, and puts Plaintiff to his strict burden of proof thereon.

115. Defendant denies the allegations in Paragraph 115 of Plaintiff's Complaint, and puts Plaintiff to his strict burden of proof thereon.

116. As to the allegations in Paragraph 116 of Plaintiff's Complaint, Defendant is without sufficient information upon which to admit or deny the allegations and, therefore, denies the same and puts Plaintiff to his strict burden of proof thereon.

117. Defendant denies the allegations in Paragraph 117 of Plaintiff's Complaint, and puts Plaintiff to his strict burden of proof thereon.

118. Defendant denies the allegations in Paragraph 118 of Plaintiff's Complaint, and puts Plaintiff to his strict burden of proof thereon.

119. As to Paragraph 119 of Plaintiff's Complaint, no response is required. To the extent that any response is required, Defendant denies the allegations therein and puts Plaintiff to his strict burden of proof thereon.

120. Defendant denies the allegations in Paragraph 120 of Plaintiff's Complaint, and puts Plaintiff to his strict burden of proof thereon.

121. Defendant denies the allegations in Paragraph 121 of Plaintiff's Complaint, and puts Plaintiff to his strict burden of proof thereon.

122. Paragraph 122 purports to state a legal conclusion to which no response is required. To the extent that any response is required, Defendant denies the allegations therein and puts Plaintiff to his strict burden of proof thereon.

123. Defendant denies the allegations in Paragraph 123 of Plaintiff's Complaint, and puts Plaintiff to his strict burden of proof thereon.

124. As to Paragraph 124 of Plaintiff's Complaint, no response is required. To the extent that any response is required, Defendant denies the allegations therein and puts Plaintiff to his strict burden of proof thereon.

125. As to Paragraph 125 of Plaintiff's Complaint, the allegations are not against this answering Defendant and, therefore, no response is required. To the extent that any response is required, Defendant denies the allegations therein and puts Plaintiff to his strict burden of proof thereon.

126. As to Paragraph 126 of Plaintiff's Complaint, the allegations are not against this answering Defendant and, therefore, no response is required. To the extent that any response is required, Defendant denies the allegations therein and puts Plaintiff to his strict burden of proof thereon.

127. As to Paragraph 127 of Plaintiff's Complaint, the allegations are not against this answering Defendant and, therefore, no response is required. To the extent that any response is required, Defendant denies the allegations therein and puts Plaintiff to his strict burden of proof thereon.

128. As to Paragraph 128 of Plaintiff's Complaint, the allegations are not against this answering Defendant and, therefore, no response is required. To the extent that any response is required, Defendant denies the allegations therein and puts Plaintiff to his strict burden of proof thereon.

129. As to Paragraph 129 of Plaintiff's Complaint, the allegations are not against this answering Defendant and, therefore, no response is required. To the extent that any response is required, Defendant denies the allegations therein and puts Plaintiff to his strict burden of proof thereon.

130. As to Paragraph 130 of Plaintiff's Complaint, the allegations are not against this answering Defendant and, therefore, no response is required. To the extent that any response is required, Defendant denies the allegations therein and puts Plaintiff to his strict burden of proof thereon.

131. As to Paragraph 131 of Plaintiff's Complaint, the allegations are not against this answering Defendant and, therefore, no response is required. To the extent that any response is required, Defendant denies the allegations therein and puts Plaintiff to his strict burden of proof thereon.

132. As to Paragraph 132 of Plaintiff's Complaint, no response is required. To the extent that any response is required, Defendant denies the allegations therein and puts Plaintiff to his strict burden of proof thereon.

### **AFFIRMATIVE DEFENSES**

For its affirmative defenses to the claims asserted by Plaintiff, Defendant states and alleges as follows:

1. Affirmatively alleges that the claims contained in Plaintiff's Complaint fail to state a claim upon which relief can be granted.

2. Affirmatively alleges that the claims contained in Plaintiff's Complaint are barred by Plaintiff's failure to take reasonable steps to mitigate its alleged damages, if any.

3. Affirmatively alleges that the claims contained in Plaintiff's Complaint may be barred, in whole or in part, by the doctrine of unclean hands.

4. Affirmatively alleges that the claims contained in Plaintiff's Complaint may be barred, in whole or in part, by the doctrines of waiver, estoppel, laches, release and/or set off.

5. Affirmatively alleges that the claims contained in Plaintiff's Complaint, if any, were caused by the negligence, fault, or carelessness of other parties, so as to bar any recovery from Defendants.

6. Affirmatively alleges that the claims contained in Plaintiff's Complaint, if any, were caused by Plaintiff's own negligence, fault, and carelessness, so as to bar recovery from Defendants.

7. Affirmatively alleges that Plaintiff's claims may be barred in whole or in part by any or all affirmative defenses contemplated by the Federal Rules of Civil

Procedure. The extent to which Plaintiff's claims may be barred by one or more of said affirmative defenses, not specifically set forth above, cannot be determined until Defendant has had the opportunity to complete discovery. As such, Defendant reserves the right to incorporate any and all said affirmative defenses as if set forth herein.

8. Affirmatively allege that Defendant has been forced to incur fees, costs, expenses, and attorneys' fees to defend against the claims contained in Plaintiff's Complaint.

9. Affirmatively alleges that any allegedly wrongful act was the result of a bona fide error pursuant to 15 U.S.C. § 1692(k)(c).

WHEREFORE, Defendant United Auto Delivery and Recovery, Inc. d/b/a United Auto Recovery d/b/a UAR Nationwide requests judgment as follows:

1. Dismissal of Plaintiff's Complaint with prejudice and on the merits.
2. Award United Auto Delivery and Recovery, Inc., d/b/a United Auto Recovery d/b/a UAR Nationwide its costs, disbursements, and attorneys' fees.
3. Award United Auto Delivery and Recovery, Inc., d/b/a United Auto Recovery d/b/a UAR Nationwide such other further relief as the Court deems just and equitable.

MESSERLI & KRAMER P.A.

Dated: February 20, 2017

s/Kristy A. Fahland  
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ATTORNEYS FOR DEFENDANT  
UNITED AUTO DELIVERY AND  
RECOVERY, INC. D/B/A UNITED AUTO  
RECOVERY D/B/A UAR NATIONWIDE